

APPLICANT(S): LEVY, Andrew
SERIAL NO.: 10/748,177
FILED: December 31, 2003
Page - 5 -

REMARKS

Claims 1, 12-15, and 26-28 were pending in the application.

Claim 1 was amended in the amendment previously filed January 22, 2009, which was not entered, yet is shown here as Previously Presented, because the accompanying Request for Continued Examination Transmittal requests that the amendment/reply previously filed on January 22, 2009 (but not entered) should be entered.

New claims 30-41 have been presented. New claims 30-35 and 36-41 are the same as original claims 6-11 and 20-25, respectively, that were subject to restriction (as Group I) in an earlier Office Action (mailed September 30, 2005), and in response thereto were inadvertently cancelled, rather than withdrawn, when Group II, claims 12-14 and 26-28 were elected. In that same Restriction Requirement, the Examiner indicated that such restriction between Groups I and II would be withdrawn if the linking claims were allowed. Thus, Applicant respectfully requests withdrawal of any requirement for restriction that might be imposed on claims 30-41 should the same course of prosecution ensue, with claims 1, 12-15 and 26-28 selected for prosecution and found allowable.

In the Advisory Action mailed November 17, 2008, the Examiner indicated that the previously submitted response and accompanying publication (Milman et al.; filed November 3, 2008) did not place the application in condition for allowance because a post-filing date reference must be submitted in the form of a declaration or affidavit, according to MPEP 716.02(g). Said declaration was filed in a response dated January 22, 2009, but was not entered.

By filing of this Request for Continued Examination, Applicant believes that the previously submitted declaration in support of the representations concerning the Milman et al. publication is acceptable for entry.

Moreover, in the previously unentered Amendment filed January 22, 2009, Applicant had amended claim 1 herein from "treatment of myocardial infarction" to "prevention of myocardial infarction" to be consistent with the language of claim 15 ("prevent myocardial infarction") and to be aligned with the finding of the Milman et al. paper as supported by the Declaration. Further support for the amendment can be found in the Specification on page 1,

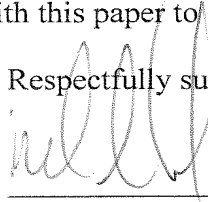
APPLICANT(S): LEVY, Andrew
SERIAL NO.: 10/748,177
FILED: December 31, 2003
Page - 6 -

line 24; page 8, line 24; page 11, line 3; and page 16, line 27. Entry of the amendment is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



Mark S. Cohen
Attorney/Agent for Applicant(s)
Registration No. 42,425

Dated: March 30, 2009

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, New York 10036
Tel: (646) 878-0800
Fax: (646) 878-0801